

**Facet Enterprises, Inc. and International Union,
United Automobile, Aerospace and Agricultural
Implement Workers of America (UAW).**
Cases 7-CA-22929, 7-CA-23154, and 7-CA-
23817

November 7, 1990

SUPPLEMENTAL DECISION AND ORDER

BY CHAIRMAN STEPHENS AND MEMBERS
CRACRAFT AND OVIATT

On July 29, 1988, the National Labor Relations Board issued a Decision and Order¹ in this proceeding, finding that the Respondent violated Section 8(a)(1), (3), and (5) of the National Labor Relations Act. The violations included, inter alia, direct dealing with unit employees, insisting to impasse on a nonmandatory subject of bargaining, refusing to provide requested financial and other information, and unilaterally changing employment conditions without bargaining to impasse. The Board also found that the strike at each of the Respondent's three plants had been converted from an economic strike to an unfair labor practice strike by the Respondent's commission of various unfair labor practices after the strikes began.

On July 3, 1990, the United States Court of Appeals for the Tenth Circuit² granted enforcement of the Board's Order, except for the Board's finding that the strike at the Respondent's Detroit, Michigan plant had been converted from an economic to an unfair labor practice strike. Specifically, the court concluded that there was insufficient evidence to support the Board's finding that the economic strike had been converted, and remanded the case to the Board for further proceedings consistent with its findings. Thereafter, the Board advised the parties that it had accepted the

court's remand and that they might file statements of position. The General Counsel and the Respondent filed statements of position.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

Having accepted the court's remand as the law of the case, we conclude that the strike at the Respondent's Detroit plant was not converted to an unfair labor practice strike, and we shall amend the Conclusions of Law. As the court has already enforced our Order in all other respects, our supplemental Order will be limited accordingly.

AMENDED CONCLUSIONS OF LAW

1. Substitute the following for Conclusion of Law 10.

“10. Due to Respondent's conduct described above in paragraph 9, the economic strike at the Elmira plant underway since November 7, 1983, was prolonged and thereby converted to an unfair labor practice strike commencing the third week of December 1983.”

2. Substitute the following for Conclusion of Law 12.

“12. Notwithstanding unconditional requests for reinstatements made on February 18, 1984, by the Union on behalf of its striking employees at the Madison Heights and Elmira plants, the Respondent has refused to reinstate them to their former or substantially equivalent positions, thereby engaging in unfair labor practices in violation of Section 8(a)(3) and (1) of the Act.”

ORDER

The complaint is dismissed insofar as it alleges that the strike at the Respondent's Detroit, Michigan plant was converted from an economic to an unfair labor practice strike.

¹ 290 NLRB 152.

² 907 F.2d 963 (10th Cir. 1990).